

ZONING BOARD OF REVIEW

Barrington, Rhode Island

November 29, 2011

APPLICATIONS: #3645, 3646, 3647, 3648, 3649, 3650, 3652 and 3652

MINUTES OF THE MEETING:

At the call of the Chairman, Thomas Kraig, the Board met with Paul Blasbalg, Peter Dennehy, Mark Freel, Ian Ridlon, and Stephen Venuti.

Also present was solicitor Andrew Teitz and Building Official Robert Speaker.

At 7:02 P.M. Mr. Kraig opened the meeting and the Board proceeded to hear the following matters. At 9:18 P.M. the public participation portion of the meeting was closed and the Board proceeded to deliberate and vote on the applications it had heard.

Application #3645, Jay T. Forbes, 61 Adams Point Road, Barrington, RI 02806, applicant and owner, for permission to construct an addition over an existing flat roof; Assessor's Plat 26, Lot 236, R-25 District, 61 Adams Point Road, Barrington, RI 02806, requiring dimensional relief for rear yard setback, side yard setback, and exceeding lot coverage.

Present: Jay and Jacqueline Forbes, 61 Adams Point Road, Barrington, RI

There was no one in the audience to speak for or against this application.

The applicants explained that they currently have a flat roof over a portion of their home, which has had many problems with leakage. They are seeking to create a second-story addition in order to create a gabled roof as well as storage space and a sitting area. All construction will be within the existing footprint and will not be going any closer to the lot line.

MOTION: Upon a motion by Mr. Venuti, with a second from Mr. Ridlon, the Board voted unanimously (5-0) to grant this application.

DISCUSSION:

The Board members stated they were in favor of approving the application for the following reasons:

„« The existing flat roof is a leakage problem

„« There will be no change in the footprint

„« There is a need for additional storage within the home

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-69 have been met: A) that the hardship from which the

applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

Application #3646, Brian Thimme, 33 Beach Road, Bristol, RI 02807, applicant and lessee, Mario Micheletti, 5 Hoyer Ct, East Greenwich, RI, 02818, owner, for permission to construct a deck extension; Assessor's Plat 27, Lot 108, Waterfront Business District, 32 Barton Avenue, Barrington, RI 02806, requiring a special use permit for outdoor seating as well as parking.

Present: Brian Thimme, 33 Beach Road, Bristol, RI

There was no one in the audience to speak for or against this application.

Mr. Thimme explained that he is seeking to add 10í to the existing deck at Tyler Point Grille, creating a 15í x 40í structure that will be utilized for outdoor dining. They have found outdoor dining to be a very popular option and would like to offer it to their customers.

In order to accommodate the additional customers, Tyler Point Grille has entered into a lease agreement with Stanley's Boat Yard to utilize 20 parking spaces across the street from the restaurant. With the addition of these 20 spaces, there will be adequate parking for the additional outdoor seats.

MOTION: Mr. Freel moved to grant this application with the following condition:

„« The lease for the 20 additional parking spaces must be maintained
Mr. Ridlon seconded the motion and it carried unanimously (5-0).

DISCUSSION:

The Board members stated they were in favor of approving the application for the following reasons:

„« The proposal will enhance the existing business
„« The proposal is consistent with the use of the property

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section í±185-73 have been met: That A). The public convenience and welfare will be substantially served, B). It will be in harmony with the general

purpose of this chapter, and with the Comprehensive Community Plan, C). It will not result in or create conditions that will be inimical to the public health, safety, morals and general welfare of the community and D). It will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

Application #3647, Elihu Stephen Wing, 25 Teed Avenue, Barrington, RI 02806, applicant and owner, for permission to enlarge front porch; Assessor's Plat 34, Lot 11, R-10 District, 25 Teed Avenue, Barrington, RI 02806, requiring dimensional relief for being within 100 feet of wetlands/waterbody.

Present: Elihu Stephen and Wendy Wing, 25 Teed Avenue, Barrington, RI

In the audience:

David Boyce, Barrington Conservation Commission

Jim Hass, 31 Teed Avenue, Barrington, RI

Mr. Kraig read into the record the favorable recommendation by the Conservation Commission.

The applicants explained that they are seeking to expand the existing porch and create a shed roof over the porch in order to balance the structural esthetics of the home as well as provide an area to enjoy the yard and view. The house had originally been designed to have a

full porch; however, the former owner had not completed it.

It was noted that there was no relief being sought for setbacks; rather, the structure's location relative to the wetlands makes proximity to the water unavoidable. All construction will be as far from the water as possible.

Mr. Hass, an abutting neighbor, spoke in support of the application.

MOTION: Mr. Venuti moved to approve this application with the following conditions:

„« Erosion control measures are to be in place around work areas prior to and during all soil disturbance activities.

„« All construction materials are to be stored on the street side of the property.

Mr. Dennehy seconded the motion and it carried unanimously (5-0).

DISCUSSION:

The Board members stated they were in favor of approving the application for the following reasons:

„« The home was designed to have a porch

„« The location of the porch is as far from the water as possible

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-69 have been met: A) that the hardship from which the

applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

Application #3648, Tom and Jessica Hoagland, 21 Lincoln Avenue, Barrington, RI 02806, applicants and owners, for permission to remove existing deck and enlarge rear bump-out, as well as add a new 5' x 20' deck; Assessor's Plat 18, Lot 203, R-10 District, 21 Lincoln Avenue, Barrington, RI 02806, requiring dimensional relief for front yard setback, setback from Bernard Avenue and for exceeding lot coverage.

Present: Tom and Jessica Hoagland, 21 Lincoln Avenue, Barrington, RI

Scott Weymouth, architect, 14 Imperial Place, Providence, RI

There was no one in the audience to speak for or against this application.

The following item was submitted as an exhibit:

„« Letter of support from Pauline Mitchell and Robert Davidson

The applicants opened by explaining that the existing structure is too close to Bernard Avenue and they will not be going any closer. They are looking to incorporate the deck into an addition to the house and re-work the layout of the home in order to create a more livable layout with living room and office space in order to better serve their growing family.

MOTION: Mr. Ridlon moved to grant this application. Mr. Freel seconded the motion and it carried unanimously (5-0).

DISCUSSION:

The Board members stated they were in favor of approving the application for the following reasons:

„« The proposal greatly improves on the flow and function of the home

„« The family has expanded and needs more space

„« The increase in lot coverage is slight and the proposal is modest in scale

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

Application #3649, Christopher Gibbons, 59 Mason Road, Barrington, RI 02806, applicant and owner, for permission to add a second floor; Assessor's Plat 34, Lot 32 R-10 District, 59 Mason Road, Barrington, RI 02806, requiring dimensional relief for side yard setback.

Present: Christopher Gibbons, 59 Mason Road, Barrington, RI

There was no one in the audience to speak for or against this application.

Mr. Gibbons explained that he has three girls and the home has become too small for the family; therefore, he is seeking to remove the roof and create a gabled roof with two shed dormers in order to create more space. All work would be done within the existing footprint of the home. The house is currently located in the corner of the property, very close to the lot line.

MOTION: Upon a motion by Mr. Freel, with a second by Mr. Venuti, the Board voted unanimously (5-0) to grant this application.

DISCUSSION:

The Board members stated they were in favor of approving the application for the following reasons:

„« The house is already located too close to the lot line

„« The improvements will be no closer to the lot line

„« The family's needs have grown

„« There were no objectors to the proposal

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section 185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of

the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

Application #3650 and 3651 were taken together and the testimony was incorporated for both applications.

Application #3650, Ronald Resmini, 43 Riverside Drive, Barrington, RI 02806, applicant, Adam Resmini, 16 Willow Way, Barrington, RI 02806, owner, for permission to construct an awning over the front door; Assessor's Plat 3, Lot 127, R-25 District, 16 Willow Way, Barrington, RI 02806, requiring dimensional relief for being within 100' of a wetlands/waterbody.

Application #3651, Ronald Resmini, 43 Riverside Drive, Barrington, RI 02806, applicant and owner, for permission to construct an awning over the front door; Assessor's Plat 3, Lot 126, R-25 District, 20 Willow Way, Barrington, RI 02806, requiring dimensional relief for being within 100' of a wetlands/waterbody.

Present: Ronald Resmini, 43 Riverside Drive, Barrington, RI

Adam Resmini, 16 Willow Way, Barrington, RI

Lorenzo Lucas, architect, 4 Tallwood Drive, Barrington, RI

There was no one in the audience to speak for or against these applications.

The applicants explained that they are seeking to construct a small wooden awning over the front door of each property in order to provide protection from the weather while opening the door. The awning will be over existing stairs; there will be no increase in the footprint. The only need for relief is due to the homes' proximity to the wetlands. Mr. Kraig noted that the Conservation Commission gave a favorable recommendation for these applications, with no additional conditions recommended.

MOTION: Mr. Venuti moved to grant application #3650. Mr. Freel seconded the motion and it carried unanimously (5-0).

MOTION: Mr. Venuti moved to grant application #3651. Mr. Freel seconded the motion and it carried unanimously (5-0).

DISCUSSION:

The Board members stated they were in favor of approving the applications for the following reasons:

„« The proposal is minimal and will have almost no impact on the surrounding area

„« The homeowners need protection from the elements at the entryway

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-69 have been met with respect to each of the applications: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

Application #3652, Dr. Wade Cordy, 55 Annawamscutt Road, Barrington, RI 02806, applicant, Roland Ohsberg, 305 Sowams Road, Barrington, RI 02806, owner, for permission to demolish existing structure and construct an animal hospital; Assessor's Plat 30, Lot 141, Neighborhood Business District, 305 Sowams Road, Barrington,

RI 02806, requiring a Special Use Permit and parking relief.

Present: Stephanie L. Federico, attorney for the applicant, 450 Veterans Memorial Parkway,

Suite 103, East Providence, RI

Wade Cordy, 55 Annawamscutt Road, Barrington, RI

Kevin Warren, civil engineer, DiPrete Engineering, Cranston, RI

David Okerlund, architect, Worcester, MA

John Carter, landscape architect, 960 Boston Neck Road, Narragansett, RI

In the audience:

Estela Rodrigues, 330 Sowams Road, Barrington, RI

Mohamed Freij, 326 Sowams Road, Barrington, RI

Marja Chaudrahy, 305 Sowams Road, Barrington, RI

The following item was submitted as an exhibit:

„« Sidewalk concept plan

Ms. Federico opened by reviewing the proposal. She stated that her client is seeking to move his existing business, Harbor Animal Hospital, to 305 Sowams Road. Currently there is a dry cleaner at that location; they plan to demolish the existing structure and build a new 4,000 square foot building. The proposal has been recommended for approval by the Technical Review Committee as well as the Planning Board; however, as a condition of approval the

Planning Board has asked the applicant to seek approval from the DOT for a sidewalk.

The business will operate from 8:00 a.m. to 8:00 p.m., Monday through Saturday. There will be no overnight boarding, unless in emergency situations, and there will be no outdoor runs. Fourteen parking spaces have been proposed, which is 1 space short of the requirement. The proposed parking plan allows for adequate space for cars to turn around, avoiding the need to back out onto Sowams Road. Appointments are scheduled in 30-minute intervals; therefore, the maximum number of cars per hour at any given time will be cars for 2-3 clients plus 5 employees. This will easily be satisfied by the proposed 14 spaces.

Trash will be contained in an enclosed dumpster; however, it was noted that this dumpster will be handling general office trash and not biohazard materials. State regulations require that all biomaterials must be incinerated off site and all sharps must be collected by a sharps collection service.

The site plan was then reviewed. The site is generally flat and roof runoff will be handled via drywells while the paved area will sheet into a bioretention area/rain garden. As per the Planning Board's request, a sidewalk has been proposed along Sowams; however, it has not yet received DOT approval. The Board noted that neither of the abutting properties has sidewalks; however, because this is a

Safe Routes to School area, the Comprehensive Community Plan provides for sidewalks in this area. There will likely be additional sidewalks in the area in the future and it appears appropriate to apply that standard to this site now, while the opportunity is present.

Snow removal from the parking areas will be handled via the eastern edge of the property. The Board noted that there had been some issues with snow piles creating a visibility problem at the corner of Sowams and Oak Grove; therefore, the applicants were cautioned to ensure that any snow storage must not block visibility.

Ms. Rodrigues and Mr. Freij expressed concerns regarding several issues, including loose dogs, fecal matter, the safety of the children walking to and from school, as well as the potential impact of radiation from the x-ray machine and the radiology treatment. The applicants explained that all radiation equipment was strictly regulated by the state and there would be no impact on the surrounding area, all dogs are required to be leashed and in the event that the owners arrive without a leash, the office provides leashes, and finally while owners generally are responsible for cleaning up after their dogs, the office staff regularly cleans the site of any fecal matter that is left behind.

MOTION: Mr. Freel moved to approve this application. Upon a second by Mr. Ridlon, the Board unanimously (5-0) approved this application.

DISCUSSION:

The Board members stated they were in favor of approving the application for the following reasons:

„« This is an established business and an appropriate use for a Neighborhood Business zone

„« The proposal is an improvement to both the building as well as the landscape plan

„« The proposed parking plan is well developed for the site and this use

„« The business plan supports the one parking space reduction

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section 185-73 have been met: That A). The public convenience and welfare will be substantially served, B). It will be in harmony with the general purpose of this chapter, and with the Comprehensive Community Plan, C). It will not result in or create conditions that will be inimical to the public health, safety, morals and general welfare of the community and D). It will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

MINUTES OF THE PREVIOUS MEETING:

A motion was made by Mr. Freel and seconded by Mr. Venuti to accept the October 27, 2011 Zoning Board of Review minutes as written. The motion carried unanimously (5-0).

ADJOURN:

There being no other business, Mr. Venuti moved to adjourn at 10:00 P.M. Mr. Freel seconded the motion and the meeting was adjourned.

Respectfully submitted,

Valerie Carroll, Secretary

Thomas Kraig, Chairman

cc: Andrew Teitz, Solicitor